

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.128 OF 2007
WITH
CIVIL APPLICATION NO.191 OF 2007

Hidayat Hanif Pathan. ..Appellant.

V/s.

Municipal Corpn. of Gr.Bombay. ..Respondent.

Mr.O.P.Singh for appellant.

Ms. Geeta Joglekar for Respondent-BMC.

CORAM: A.M.KHANWILKAR, J

DATE : FEBRUARY 21, 2007.

P.C. :

1. Counsel for the Corporation fairly states on instruction that representation made by the appellant in response to the suit notice is still pending and undecided with the concerned authority. She further states that till the said representation is decided, no action will be taken in respect of the suit structure. The above statements are accepted.

2. In view thereof, nothing survives for consideration in the suit. Counsel for the appellant submits that the appellant will withdraw the suit pending before the trial Court with liberty to challenge the order of the appropriate authority, if

the same is adverse to the claim of the appellant.

3. Accordingly, this appeal as well as civil application are disposed of on the above terms.